

Appendix G – Environmental Checklist and Certificate of Fee Exemption

Technical Report for Rainbow Creek Nutrient
TMDLs

October 15, 2004

California Environmental Quality Act (CEQA) Requirements

The attached checklist and the “Technical Report for Total Nitrogen and Total Phosphorus TMDLs for Rainbow Creek” fulfill the requirements specified under section 3777 [California Code of Regulations, Title 23].

The adoption of a Basin Plan amendment to incorporate TMDLs and a TMDL implementation plan for Rainbow Creek will not in itself have a significant adverse effect on the environment. A significant effect on the environment is defined under CEQA as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code §21000 et seq.).

The implementation of TMDLs will in effect lead to an overall improvement in the quality of water and therefore the quality of the environment. However, implementation of the TMDLs will involve projects, which may have environmental impacts. The precise nature, location, and significance of these impacts cannot be determined at this time, since the implementation program establishes a process for identifying subsequent projects rather than specifying particular remedial projects at specific locations. Separate environmental review and mitigation may be required for such implementation projects depending on the projects that are selected. Therefore, impacts from such projects are considered indirect to this action. Possible implementation projects are discussed in general for the purpose of providing insight to the potential effects that may result from TMDL implementation.

I. Aesthetics – Would the proposal:	Impact	Maybe	No Impact
a. Adversely affect a scenic vista?			X
b. Adversely affect a scenic highway, including but not limited to trees, rock outcroppings, and historic buildings?			X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X	
d. Create a new source of substantial light or glare?			X

Comment: There may be a potential for the installation of structural or vegetative best management practices (BMPs) or management practices (MPs) that may change views in the watershed from the local community. However, it is not expected that such changes will be significantly adverse. For example, stabilization of eroding areas or increases in riparian vegetation (e.g., riparian restoration such as the creation of a buffer zone in Rainbow Valley) would be an aesthetic improvement.

II. Agricultural Resources – Would the proposal:	Impact	Maybe	No Impact
a. Convert Prime Farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		X	
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X

Comment: This TMDL Basin Plan amendment will make necessary the changing of residents/businesses behavior or operation and possibly the expenditure for the installation and maintenance of BMPs or MPs. Since the precise nature, location, and significance of these impacts cannot be determined at this time, it is unknown whether the needed changes or expenditure will lead to the conversion of farmland to non agricultural uses. The current prohibition on installation of new septic tank systems in Rainbow Valley and the lack of a sewage collection system in the area to accommodate new housing developments may prevent agricultural lands from being converted to other non agricultural uses, such as housing. However, if the septic issues in Rainbow Valley are resolved, for instance by placing residents and businesses on a sewer system, there could be a potential for increased development and conversion of nursery lands to residential. Potential solutions to septic tank contributions are pending further investigation, as required by this proposed action, and will likely be subject to more in-depth environmental review at that time.

Information provided by the Mission Resource Conservation District indicated that costs associated with water, pumping, and pests are more significant than costs for implementation of TMDLs. For example, reduction in fertilizers and better irrigation management would provide cost savings. Additionally, the UC Cooperative Extension provides farmers with alternatives to selling their property.

III. Air Quality – Would the proposal:	Impact	Maybe	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X
b. Violate any air quality standard or contribute to an existing or protected air quality violation?			X
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X
d. Expose sensitive receptors to substantial pollutant concentrations?			X
e. Create objectionable odors affecting a substantial number of people?			X

Comment: It is not expected at this time that any projects arising from TMDL implementation will involve air emissions, thereby affecting air quality.

IV. Biological Resources – Would the proposal result in:	Impact	Maybe	No Impact
a. Adversely affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X	
b. Adversely affect any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X	
c. Adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X
e. Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X

Comment: The California Department of Fish and Game has identified the arroyo chub (*Gila orcutti*) as a species of special concern. Implementation of BMPs / MPs and/or changes in irrigation practices to reduce/control wet and dry season overland surface runoff may reduce flows in the creek, which may impact aquatic and terrestrial life. In regard to the arroyo chub, reduced flows are expected to be beneficial, as they are adapted to survive in slow-moving water with warm temperature fluctuations (Moyle 1976).

Installation of BMPs / MPs or stream restoration activities, which may result from this proposal, may temporarily disturb aquatic or terrestrial habitat. However, the overall purpose of the TMDL is to provide for long-term improvements in water quality and aquatic habitat. To the extent that they may increase amounts of riparian vegetation in the watershed, nonpoint source controls are expected to be beneficial to wildlife. Additionally, TMDL implementation may modify riparian habitat that could support Least Bell's Vireo (*Vireo bellii pusillus*) – a federally listed species.

V. Cultural Resources – Would the proposal:	Impact	Maybe	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X
d. Disturb any human remains, including those interred outside of formal cemeteries?			X

Comment: Significant excavation or disturbance of cultural resources is not expected to result from this proposal or from projects that result from this proposal.

VI. Geology and Soils – Would the proposal:	Impact	Maybe	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic ground shaking, seismic-related ground failure (e.g. liquefaction), and landslides?			X
b. Result in substantial soil erosion or the loss of topsoil?			X
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X
d. Be located on expansive soil, as defined in Table 19-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X

Comment: The implementation of BMPs / MPs to reduce wet and dry season overland surface runoff would be expected to reduce the potential for soil erosion. Additionally this proposal identifies the need for further investigation to determine if existing septic tanks are contributing to the impairment of Rainbow Creek and if alternative wastewater disposal systems or a sewer system is needed to replace any septic tanks.

VII. Hazards and Hazardous Materials – Would the proposal:	Impact	Maybe	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X
e. For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X
h. Expose people or structures to a significant risk of loss, injury or death involving wildlands fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X

VIII. Hydrology and Water Quality – Would the proposal:	Impact	Maybe	No Impact
a. Violate any water quality standards or waste discharge requirements?			X
b. Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X
f. Otherwise substantially degrade water quality?			X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
h. Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?		X	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X
j. Inundation by seiche, tsunami, or mudflow?			X

Comment: The purpose of the TMDL Basin Plan amendment is to provide for attainment of water quality standards and restoration of beneficial uses. This proposal identifies the need for further investigation to determine ground water management needs in Rainbow Valley to address septic tank issues and the issue of ground water as a source to the surface waters of Rainbow Creek. One possibility is to utilize ground water resources and draw down the high ground water table in order to minimize septic system source contributions by alleviating ground water interference with septic systems and to possibly reduce contaminated ground water contribution from Rainbow Valley basin to the creek. This option could affect the local hydrology and present water quantity issues. Further environmental review would be needed before this option could be selected.

Existing drainage will need to be altered to remove structures, which discharge to the creek and cause the damming of the creek for the purpose of irrigation return flows capture and storage at the Hines Nursery facility. Removal of these structures would restore the natural drainage and would be a beneficial impact.

There may be a potential for the installation of structural or vegetative best management practices (BMPs) / management practices (MPs) that may be located within a 100-year flood hazard area and may impede or redirect flood flows. The precise location and significance of these impacts cannot be determined at this time. Specific structural BMPs and MPs should be evaluated for site-specific environmental impacts prior to installation.

IX. Land Use and Planning – Would the proposal:	Impact	Maybe	No Impact
a. Physically divide an established community?			X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X

Comment: The purpose of the TMDL Basin Plan amendment is to provide for long-term improvements in water quality and aquatic habitat. To the extent that they increase amounts of riparian vegetation in the watershed, nonpoint source controls will be beneficial to wildlife.

X. Mineral Resources – Would the proposal:	Impact	Maybe	No Impact
a. Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?			X
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X

XI. Noise – Would the proposal:	Impact	Maybe	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X
e. For projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X

Comment: Although this TMDL Basin Plan amendment does not identify the use of specific BMPs / MPs, the construction/installation of structural BMPs / MPs may cause a temporary increase in ambient noise levels in the vicinity of the activity. The ground water investigation may involve activities, such as the installation or testing of monitoring wells, may also cause a temporary increase in ambient noise levels in the vicinity of the activity. Neither of which is expected to be substantial in nature.

XII. Population and Housing – Would the proposal:	Impact	Maybe	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, thorough extension of roads or other infrastructure)?		X	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?		X	
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?		X	

Comment: This TMDL Basin Plan amendment identifies the need for further investigation to determine if existing septic tanks are contributing to the impairment of Rainbow Creek and if alternative wastewater disposal systems, a sewer system, or ground water production could be used to decrease septic tanks as nutrient sources. The result of this investigation may identify these or additional actions that could used to remedy the problem of inundation of septic tanks and leach lines with ground water. Resolution of this issue may result in an increase or a decrease in the allowable housing currently in existence in Rainbow Valley depending on the actions that are taken. Such actions would require separate environmental review.

XIII. Public Services –	Impact	Maybe	No Impact
Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?			X
b. Police protection?			X
c. Schools?			X
d. Parks or other recreational facilities?			X
e. Maintenance of public facilities, including roads?		X	
f. Other governmental services?		X	

Comment: Although this TMDL Basin Plan amendment does not identify the use of specific BMPs / MPs , should structural or vegetative BMPs / MPs need to be installed and maintained on public lands or easements, local government services could be impacted. Additionally, local government will need to expend resources to perform the investigation of ground water and septic tank issues, and to develop and implement a watershed management plan. Since the purpose of the TMDLs is to provide for attainment of water quality standards and restoration of beneficial uses, such expenditure of resources could be considered to be for the public good.

XIV. Recreation – Would the proposal:	Impact	Maybe	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X

Comment: The purpose of the TMDL Basin Plan amendment is to provide for attainment of water quality standards and restoration of beneficial uses, including contact and non-contact recreation. Such improvements in water quality may cause an increase in the number of people who recreate along the creek because the creek will become more aesthetically pleasing. The area is more commonly used by the local community and is not expected to draw large numbers of the general public or require expansion of existing trails. Additional maintenance of the trails may be needed.

XV. Transportation/Traffic – Would the proposal:	Impact	Maybe	No Impact
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X
e. Result in inadequate emergency access?			X
f. Result in inadequate parking capacity?			X
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X

XVI. Utilities and Service Systems – Would the proposal:	Impact	Maybe	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X

Comment: This TMDL Basin Plan amendment identifies the need for further investigation to determine if existing septic tanks are contributing to the impairment of Rainbow Creek and if alternative wastewater disposal systems or a sewer system is needed. The result of this investigation may necessitate that further action is necessary to remedy further inundation of septic tanks with ground water, to ultimately achieve water quality objectives in the surface waters. Additionally, the County of San Diego is expected to evaluate the need for stormwater control of urban and residential areas during the development of the watershed management plan. These evaluations may potentially result in new water or wastewater facilities, or new stormwater conveyance depending on the actions that are needed. Such actions would require separate environmental review.

XVII. Mandatory Findings of Significance – Would the proposal:	Impact	Maybe	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X	

Comment: The purpose of the TMDL Basin Plan amendment is to provide for attainment of water quality standards and restoration of beneficial uses. Residents of the watershed will be impacted in that they will have to take actions to reduce their nutrient contributions to Rainbow Creek. However, they will benefit as a result of improved quality of the environment that will come from restoration of beneficial uses.

Determination: On the basis of this initial evaluation,

- X I find that the proposed Basin Plan amendment could not have a significant adverse effect on the environment.
- I find that the proposed Basin Plan amendment could have a significant adverse effect on the environment. However, there are feasible alternatives and /or feasible mitigation measures that would substantially lessen any significant adverse impact. These alternatives are discussed in the attached written staff report.
- I find the proposed Basin Plan amendment may have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impacts. See the attached written staff report for a discussion of this determination.

John H. Robertus
Executive Officer

Date

**CALIFORNIA DEPARTMENT OF FISH AND GAME
DRAFT CERTIFICATE OF FEE EXEMPTION**

De Minimis Impact Finding

Project Title/Location Name and Address of Project Proponent:

AMENDMENT TO THE 'WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (9)' TO INCORPORATE TOTAL MAXIMUM DAILY LOADS (TMDLs) FOR NUTRIENTS AND A TMDL IMPLEMENTATION ACTION PLAN AND A IMPLEMENTATION MONITORING PLAN FOR THE RAINBOW CREEK WATERSHED, SAN DIEGO COUNTY

The project proponent is:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

The contact person is:

Lisa Honma
(858) 467-2960
honma@rb9.swrcb.ca.gov

Project Description:

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus are described and quantified to attain water quality objectives and restore beneficial uses in Rainbow Creek. A wasteload allocation is assigned to a point source discharger (Caltrans) and load allocations are assigned to nonpoint source dischargers (commercial nursery, agricultural field, orchard, park, residential area, urban area, and septic tank disposal system land use activities) to reduce nutrient loading to Rainbow Creek.

Caltrans is a point source discharger of nutrients and will be responsible for meeting nutrient wasteload reductions to be incorporated in the MS4 NPDES Storm Water Permit. For nutrient discharges in the Rainbow Creek watershed subject to the County of San Diego's MS4 NPDES Storm Water Permit, the County is directed to implement increasingly stringent best management practices to reduce nutrients discharges in the Rainbow Creek watershed to the maximum extent practicable and restore compliance with the nutrient water quality objective.

The Regional Board will use a Third Party regulatory-based approach to mandate compliance with the nonpoint source (NPS) nutrient load reductions of this TMDL. The Regional Board will accomplish this by negotiating a Management Agency Agreement (MAA) between the Regional Board and the County of San Diego setting forth the commitments of both parties to undertake

various implementation responsibilities to oversee actions by dischargers to attain NPS nutrient load reductions.

The Regional Board may adopt, in conjunction with an MAA or MOU with another third-party representative, organization, or government agency describing an adequate NPS pollution control implementation program, individual or general waivers and WDRs for NPS discharges in the Rainbow Creek watershed. The waivers and WDRs may require NPS dischargers to either participate in the third party NPS program or, alternatively, submit individual pollution prevention plans that detail how they will comply with the waivers and WDRs. The Regional Board may also adopt a discharge prohibition, which include exceptions for those discharges that are adequately addressed in an acceptable third-party MAA or MOU NPS pollution control implementation program.

The County of San Diego and Caltrans are directed to develop and implement a Rainbow Creek watershed monitoring program to evaluate the overall TMDL implementation effectiveness and success in attaining nutrient water quality objectives in Rainbow Creek and its tributaries.

Findings of Exemption:

1. A written report and environmental checklist have been prepared by the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) in order to evaluate the potential for an adverse environmental impact from this project.
2. Considering the record as a whole, there is no evidence before the SDRWQCB that the proposed project could have any potential for an adverse effect on fish and wildlife resources or the habitat upon which they depend.
3. The CEQA Checklist documents that there may be changes to components of the environment as a result of this project. The SDRWQCB rebuts the presumption that the proposed project will have an adverse effect on the environment for each situation that may be impacted. As determined in SDRWQCB Resolution No. 2002-0108 and CEQA Checklist (copies attached), there will be no significant adverse effects on the environment, and, therefore, no mitigation is necessary. Any and all effects on the environment are expected to be beneficial.

Certification:

I hereby certify that the California Regional Water Quality Control Board, San Diego Region, has made the above findings of fact and that based upon the Environmental Checklist, written report and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

John H. Robertus
Executive Officer
San Diego Regional Water Quality Control Board

Date

